Summary

In NSW over the last five years, vast areas of native vegetation, including significant endangered ecological communities, have been approved for clearing by coal mines.

New analysis contained in this report estimates that over 17,892 ha of native vegetation has been approved for clearing by coal mining projects in the Hunter Valley and Gunnedah Basin in the last 5 years. That is an area of vegetation greater than the size of Royal National Park south of Sydney.

Of that total, an estimated 6,256 hectares approved for clearing has been mapped by mining companies as critically endangered Box-Gum Grassy Woodland. Critically endangered ecological communities are, by definition, the most threatened ecosystems in Australia.

In NSW, clearing by farmers of endangered Box-Gum Grassy Woodland in good condition is strictly prohibited by the NSW vegetation laws\(^1\), but no such constraints apply to coal mining\(^2\). Therefore, this analysis reveals for the first time that the cumulative impact of clearing of native vegetation and endangered Box-Gum Grassy Woodland for coal mines is severe, environmentally damaging and markedly inconsistent with constraints on agricultural clearing.

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\(^1\) By virtue of the 'improve or maintain test' contained in s5.2.1 of the Environmental Outcomes Assessment Methodology, made under the Native Vegetation Regulation 2013

\(^2\) Clearing undertaken for a state significant development is exempt from requiring approval under the Native Vegetation Act 2003 by virtue of s89J 1e) of the NSW Environmental Planning and Assessment Act 1979.
Critically Endangered Box-Gum Grassy Woodland

The community is listed as critically endangered nationally under the EPBC Act 1999. In listing the community, the Threatened Species Scientific Committee stated that ‘available data show that over 90% of the original extent of this ecological community has been cleared (Table 5). Of the remaining area, a large proportion of it has been modified’.

The Threatened Species Scientific Committee estimated that, in NSW, the community originally covered more than 3.7 million hectares of land, but it has now been reduced to less than 5% of that area. This equates to approximately 185,868 hectares remaining in NSW currently. Much of that area has also been heavily degraded and is devoid of trees and remaining only as a derived native grassland. The area in good condition will be a small subset of the remaining area.

Analysis

This briefing paper compiles, for the first time, information that is available in EPBC Act approvals, NSW conditions of consent and Environmental Assessment reports for coal mining projects in the Gunnedah Basin and Hunter Valley that have been approved by either state or federal governments over the last 5 years.

Lock the Gate has reviewed each assessment conducted by the proponents for the mines listed in Table 1, and extracted the total area of vegetation, including native grassland, and total area of critically endangered Box-Gum Grassy Woodland estimated by the proponents for clearing by each project.

For the purposes of this analysis, and throughout this document, any reference to Box-Gum Grassy Woodland is a reference to White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland as defined by the Commonwealth Threatened Species Scientific Committee.

Based on the data compiled in this report, the total area of native vegetation approved for clearing by coal mines in the last 5 years is greater than 17,892 hectares. Furthermore, the area of Box-Gum Grassy Woodland approved for coal mine clearing over the last 5 years is 6,256 hectares, which is equivalent to 3.4% of the total area left of this critically endangered community in NSW.

This analysis has not attempted to quantify the total area approved for clearing of other Endangered Ecological Communities except that of Box-Gum Grassy Woodland. Other important communities are also frequently approved for clearing by coal miners, including Central Hunter Valley Eucalypt Forest and Woodland, which has also recently been listed as critically endangered nationally.

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3 Page 9 & 10 of the Listing Advice provides an estimated current area of the community in NSW of 250,729 hectares, and clearing extent of 93%, but then notes that this is an over-estimate and the actual clearing extent nationally is likely to be 95%. This analysis takes the NSW pre-1750 area given in the Listing Advice, and applies a factor of 5% to derive likely current extent in NSW of 185,868 hectares.

4 Assuming 185,868 hectares current extent, as derived on page 1 from TSSC statistics in listing advice.
Table 1. Clearing Approvals by Coal Project, Since 2010##

<table>
<thead>
<tr>
<th>Coal Project</th>
<th>Status</th>
<th>Total Native Vegetation** (hectares)</th>
<th>Box-Gum Grassy Woodland (hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moolarben Stage 2</td>
<td>Approved 2015.</td>
<td>1,534</td>
<td>1235</td>
</tr>
<tr>
<td>Bengalla Continuation</td>
<td>Approved 2014</td>
<td>881</td>
<td>5356</td>
</tr>
<tr>
<td>Vickery Coal Project</td>
<td>Approved 2014</td>
<td>1,748</td>
<td>67</td>
</tr>
<tr>
<td>Bulga Optimisation Project</td>
<td>Approved 2014</td>
<td>1,611a</td>
<td></td>
</tr>
<tr>
<td>Cobbora Coal Project</td>
<td>Approved 2014</td>
<td>3,161</td>
<td>1239</td>
</tr>
<tr>
<td>Maules Creek</td>
<td>Approved 2013. Under construction</td>
<td>2,078</td>
<td>75410</td>
</tr>
<tr>
<td>Boggabri Extension</td>
<td>Approved 2013. Under construction</td>
<td>1,385</td>
<td>62411</td>
</tr>
<tr>
<td>Shenhua Watermark</td>
<td>Approved 2015</td>
<td>93712</td>
<td>73813</td>
</tr>
<tr>
<td>Ravensworth Operations</td>
<td>Approved 2011</td>
<td>56714</td>
<td></td>
</tr>
<tr>
<td>Mount Pleasant*</td>
<td>Approved 29 February 201215</td>
<td>2,591</td>
<td>2,59116</td>
</tr>
<tr>
<td>Ulan Mine</td>
<td>Approved 30 November 2010</td>
<td>409</td>
<td>6917</td>
</tr>
<tr>
<td>Mount Arthur Open Cut Ext</td>
<td>Approved NSW 2010. Cth April 2012.</td>
<td>99018</td>
<td>69319</td>
</tr>
<tr>
<td><strong>Total approved for clearing</strong></td>
<td></td>
<td>17,892</td>
<td>6,256</td>
</tr>
</tbody>
</table>

* This mine has approval but has not begun construction.
## This analysis covers most of the major coal mining approvals over the last 5 years, but does not attempt to comprehensively assess every single approval of the last 5 years.
** “Native vegetation” includes woodland and grassland remnants.

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5 Moolarben Stage 2 Determination Report, January 2015. page 2.
7 Vickery Coal Project Environmental Impact Statement, page 4-84
10 Maules Creek Coal Project Environmental Assessment Main Volume, page 122.
11 Continuation of Boggabri Coal Mine Environmental Assessment Main Volume, page ix.
15 NSW consent for Mount Pleasant was given in 1999, but EPBC Act approval for this clearing was not obtained until 2012.
Implications for Federal Approval of the Shenhua Coal Project

In relation to the Shenhua Watermark project, Federal Environment Minister Greg Hunt has made public statements suggesting that his hands were tied, and that he did not have the power to reject the mine. Nothing could be further from the truth.

As Minister for the Environment, Greg Hunt has wide powers to refuse projects that are likely to have a significant impact on Matters of National Environmental Significance (MNES) under the EPBC Act 1999, including critically endangered ecosystems (by virtue of s18 of the Act).

The Minister should be properly assessing the full cumulative impacts of clearing approved by him on the critically endangered Box-Gum Grassy Woodland. He should be aware that over 6,000 hectares has been approved for clearing by coal mines over the last 5 years.

In that context, the Minister had wide powers to reject the Shenhua Watermark coal project, given that mine itself will clear 738 hectares of this Critically Endangered Community.

Furthermore, much of the Box-Gum Grassy Woodland to be cleared for the Watermark project appears to be in very good condition - a report by the proponent found that the area to be cleared for the mine contained a very high density of hollows, which are a key indicator of habitat quality.20

The National Recovery Plan for this community states that “all areas of Box-Gum Grassy which meet the minimum condition criteria outlined in Section 3 [of the plan] should be considered critical to the survival of this ecological community.”

On these grounds alone, Greg Hunt should have rejected the Shenhua Watermark project. Instead, he has put the survival of the critically endangered Box Gum community in jeopardy, as well as threatening the wider productivity and viability of the national food-bowl on the Liverpool Plains.

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20 The report found that the project area supported 96.8 hollows per hectare, with the greatest abundance in the Box-Gum and Inland Grey Box woodland communities. See Appendix M: Matters of National Environmental Significance Report (large PDF), Watermark Coal Project Environmental Impact Statement. February 2013. page 5.2.